

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN SENATE JANUARY 21, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 11, 2013

## **SENATE BILL**

**No. 808**

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**Introduced by Senator De León**

February 22, 2013

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An act to amend Sections 11106, 16520, 23910, and 30105 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

### LEGISLATIVE COUNSEL'S DIGEST

SB 808, as amended, De León. Firearms: identifying information.

(1) Existing law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification, or whenever the manufacturer's number or other mark of identification or distinguishing number or mark assigned by the department has been destroyed or obliterated.

This bill would, commencing July 1, 2016, require a person who manufactures or assembles a firearm to first apply to the department for a unique serial number or other identifying mark, as provided. The bill would, by January 1, 2017, require any person who, as of July 1,

2016, owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. The bill would prohibit the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The bill would prohibit a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. The bill would make a violation of these provisions a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the department to charge a fee to recover its costs associated with assigning a distinguishing number or mark pursuant to the above provisions.

(2) Existing law allows an individual to request that the Department of Justice perform a firearms eligibility check for that individual. Existing law makes it a misdemeanor for a person or agency to require or request an individual to obtain a firearms eligibility check.

This bill would require a person to complete a firearms eligibility check before the department may grant an application for the assignment of a serial number or mark of identification. The bill would exempt this provision from the above prohibition on requiring or requesting an individual to obtain a firearms eligibility check.

(3) This bill would incorporate additional changes to Section 11106 of the Penal Code proposed by *AB 1609 and SB 53* that would become operative if this bill and ~~SB 53~~ *are either or both of those bills are enacted and this bill is enacted last. This bill would incorporate additional changes to Section 16520 of the Penal Code proposed by AB 1609 that would become operative if this bill and AB 1609 are both enacted and this bill is enacted last.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11106 of the Penal Code, as amended  
2 by Chapter 103 of the Statutes of 2014, is amended to read:

3     11106. (a) (1) In order to assist in the investigation of crime,  
4 the prosecution of civil actions by city attorneys pursuant to  
5 paragraph (3) of subdivision (b), the arrest and prosecution of  
6 criminals, and the recovery of lost, stolen, or found property, the  
7 Attorney General shall keep and properly file a complete record  
8 of all of the following:

9         (A) All copies of fingerprints.

10        (B) Copies of licenses to carry firearms issued pursuant to  
11 Section 26150, 26155, 26170, or 26215.

12        (C) Information reported to the Department of Justice pursuant  
13 to Section 26225, 29180, or 29830.

14        (D) Dealers' records of sales of firearms.

15        (E) Reports provided pursuant to Article 1 (commencing with  
16 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or  
17 pursuant to any provision listed in subdivision (a) of Section 16585.

18        (F) Forms provided pursuant to Section 12084, as that section  
19 read prior to being repealed on January 1, 2006.

20        (G) Reports provided pursuant to Article 1 (commencing with  
21 Section 26700) and Article 2 (commencing with Section 26800)  
22 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'  
23 records of sales of firearms.

24        (H) Information provided pursuant to Section 28255.

25        (I) Reports of stolen, lost, found, pledged, or pawned property  
26 in any city or county of this state.

27     (2) The Attorney General shall, upon proper application therefor,  
28 furnish the information to the officers referred to in Section 11105.

29     (b) (1) The Attorney General shall permanently keep and  
30 properly file and maintain all information reported to the  
31 Department of Justice pursuant to the following provisions as to  
32 firearms and maintain a registry thereof:

33         (A) Article 1 (commencing with Section 26700) and Article 2  
34 (commencing with Section 26800) of Chapter 2 of Division 6 of  
35 Title 4 of Part 6.

36         (B) Article 1 (commencing with Section 27500) of Chapter 4  
37 of Division 6 of Title 4 of Part 6.

1 (C) Chapter 5 (commencing with Section 28050) of Division 6  
2 of Title 4 of Part 6.

3 (D) Any provision listed in subdivision (a) of Section 16585.

4 (E) Former Section 12084.

5 (F) Section 28255.

6 (G) Section 29180.

7 (H) Any other law.

8 (2) The registry shall consist of all of the following:

9 (A) The name, address, identification of, place of birth (state  
10 or country), complete telephone number, occupation, sex,  
11 description, and all legal names and aliases ever used by the owner  
12 or person being loaned the particular firearm as listed on the  
13 information provided to the department on the Dealers' Record of  
14 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
15 in former Section 12084, or reports made to the department  
16 pursuant to any provision listed in subdivision (a) of Section 16585,  
17 Section 28255 or 29180, or any other law.

18 (B) The name and address of, and other information about, any  
19 person (whether a dealer or a private party) from whom the owner  
20 acquired or the person being loaned the particular firearm and  
21 when the firearm was acquired or loaned as listed on the  
22 information provided to the department on the Dealers' Record of  
23 Sale, the LEFT, or reports made to the department pursuant to any  
24 provision listed in subdivision (a) of Section 16585 or any other  
25 law.

26 (C) Any waiting period exemption applicable to the transaction  
27 which resulted in the owner of or the person being loaned the  
28 particular firearm acquiring or being loaned that firearm.

29 (D) The manufacturer's name if stamped on the firearm, model  
30 name or number if stamped on the firearm, and, if applicable, the  
31 serial number, other number (if more than one serial number is  
32 stamped on the firearm), caliber, type of firearm, if the firearm is  
33 new or used, barrel length, and color of the firearm, or, if the  
34 firearm is not a handgun and does not have a serial number or any  
35 identification number or mark assigned to it, that shall be noted.

36 (3) Information in the registry referred to in this subdivision  
37 shall, upon proper application therefor, be furnished to the officers  
38 referred to in Section 11105, to a city attorney prosecuting a civil  
39 action, solely for use in prosecuting that civil action and not for

1 any other purpose, or to the person listed in the registry as the  
2 owner or person who is listed as being loaned the particular firearm.

3 (4) If any person is listed in the registry as the owner of a firearm  
4 through a Dealers' Record of Sale prior to 1979, and the person  
5 listed in the registry requests by letter that the Attorney General  
6 store and keep the record electronically, as well as in the record's  
7 existing photographic, photostatic, or nonerasable optically stored  
8 form, the Attorney General shall do so within three working days  
9 of receipt of the request. The Attorney General shall, in writing,  
10 and as soon as practicable, notify the person requesting electronic  
11 storage of the record that the request has been honored as required  
12 by this paragraph.

13 (c) (1) If the conditions specified in paragraph (2) are met, any  
14 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
15 (b) of Section 11105 may disseminate the name of the subject of  
16 the record, the number of the firearms listed in the record, and the  
17 description of any firearm, including the make, model, and caliber,  
18 from the record relating to any firearm's sale, transfer, registration,  
19 or license record, or any information reported to the Department  
20 of Justice pursuant to any of the following:

21 (A) Section 26225.

22 (B) Article 1 (commencing with Section 26700) and Article 2  
23 (commencing with Section 26800) of Chapter 2 of Division 6 of  
24 Title 4 of Part 6.

25 (C) Article 1 (commencing with Section 27500) of Chapter 4  
26 of Division 6 of Title 4 of Part 6.

27 (D) Chapter 5 (commencing with Section 28050) of Division  
28 6 of Title 4 of Part 6.

29 (E) Article 2 (commencing with Section 28150) of Chapter 6  
30 of Division 6 of Title 4 of Part 6.

31 (F) Article 5 (commencing with Section 30900) of Chapter 2  
32 of Division 10 of Title 4 of Part 6.

33 (G) Chapter 2 (commencing with Section 33850) of Division  
34 11 of Title 4 of Part 6.

35 (H) Any provision listed in subdivision (a) of Section 16585.

36 (2) Information may be disseminated pursuant to paragraph (1)  
37 only if all of the following conditions are satisfied:

38 (A) The subject of the record has been arraigned for a crime in  
39 which the victim is a person described in subdivisions (a) to (f),  
40 inclusive, of Section 6211 of the Family Code and is being

1 prosecuted or is serving a sentence for the crime, or the subject of  
2 the record is the subject of an emergency protective order, a  
3 temporary restraining order, or an order after hearing, which is in  
4 effect and has been issued by a family court under the Domestic  
5 Violence Protection Act set forth in Division 10 (commencing  
6 with Section 6200) of the Family Code.

7 (B) The information is disseminated only to the victim of the  
8 crime or to the person who has obtained the emergency protective  
9 order, the temporary restraining order, or the order after hearing  
10 issued by the family court.

11 (C) Whenever a law enforcement officer disseminates the  
12 information authorized by this subdivision, that officer or another  
13 officer assigned to the case shall immediately provide the victim  
14 of the crime with a “Victims of Domestic Violence” card, as  
15 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
16 of Section 13701.

17 (3) The victim or person to whom information is disseminated  
18 pursuant to this subdivision may disclose it as he or she deems  
19 necessary to protect himself or herself or another person from  
20 bodily harm by the person who is the subject of the record.

21 *SEC. 1.3. Section 11106 of the Penal Code, as amended by*  
22 *Chapter 103 of the Statutes of 2014, is amended to read:*

23 11106. (a) (1) In order to assist in the investigation of crime,  
24 the prosecution of civil actions by city attorneys pursuant to  
25 paragraph (3) of subdivision (b), the arrest and prosecution of  
26 criminals, and the recovery of lost, stolen, or found property, the  
27 Attorney General shall keep and properly file a complete record  
28 of all of the following:

29 (A) All copies of fingerprints.

30 (B) Copies of licenses to carry firearms issued pursuant to  
31 Section 26150, 26155, 26170, or 26215.

32 (C) Information reported to the Department of Justice pursuant  
33 to Section 26225, 27875, 27920, 29180, or 29830.

34 (D) Dealers’ records of sales of firearms.

35 (E) Reports provided pursuant to Article 1 (commencing with  
36 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or  
37 pursuant to any provision listed in subdivision (a) of Section 16585.

38 (F) Forms provided pursuant to Section 12084, as that section  
39 read prior to being repealed on January 1, 2006.

1 (G) Reports provided pursuant to Article 1 (commencing with  
2 Section 26700) and Article 2 (commencing with Section 26800)  
3 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'  
4 records of sales of firearms.

5 (H) Information provided pursuant to Section 28255.

6 (I) Reports of stolen, lost, found, pledged, or pawned property  
7 in any city or county of this state.

8 (2) The Attorney General shall, upon proper application therefor,  
9 furnish the information to the officers referred to in Section 11105.

10 (b) (1) The Attorney General shall permanently keep and  
11 properly file and maintain all information reported to the  
12 Department of Justice pursuant to the following provisions as to  
13 firearms and maintain a registry thereof:

14 (A) Article 1 (commencing with Section 26700) and Article 2  
15 (commencing with Section 26800) of Chapter 2 of Division 6 of  
16 Title 4 of Part 6.

17 (B) Article 1 (commencing with Section 27500) of Chapter 4  
18 of Division 6 of Title 4 of Part 6.

19 (C) Chapter 5 (commencing with Section 28050) of Division 6  
20 of Title 4 of Part 6.

21 (D) Any provision listed in subdivision (a) of Section 16585.

22 (E) Former Section 12084.

23 (F) Section 28255.

24 (G) *Section 29180.*

25 ~~(G)~~

26 (H) Any other law.

27 (2) The registry shall consist of all of the following:

28 (A) The name, address, identification of, place of birth (state  
29 or country), complete telephone number, occupation, sex,  
30 description, and all legal names and aliases ever used by the owner  
31 or person being loaned the particular firearm as listed on the  
32 information provided to the department on the Dealers' Record of  
33 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
34 in former Section 12084, or reports made to the department  
35 pursuant to any provision listed in subdivision (a) of Section 16585,  
36 Section 28255 *or 29180*, or any other law.

37 (B) The name and address of, and other information about, any  
38 person (whether a dealer or a private party) from whom the owner  
39 acquired or the person being loaned the particular firearm and  
40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of  
2 Sale, the LEFT, or reports made to the department pursuant to any  
3 provision listed in subdivision (a) of Section 16585 or any other  
4 law.

5 (C) Any waiting period exemption applicable to the transaction  
6 which resulted in the owner of or the person being loaned the  
7 particular firearm acquiring or being loaned that firearm.

8 (D) The manufacturer's name if stamped on the firearm, model  
9 name or number if stamped on the firearm, and, if applicable, the  
10 serial number, other number (if more than one serial number is  
11 stamped on the firearm), caliber, type of firearm, if the firearm is  
12 new or used, barrel length, and color of the firearm, or, if the  
13 firearm is not a handgun and does not have a serial number or any  
14 identification number or mark assigned to it, that shall be noted.

15 (3) Information in the registry referred to in this subdivision  
16 shall, upon proper application therefor, be furnished to the officers  
17 referred to in Section 11105, to a city attorney prosecuting a civil  
18 action, solely for use in prosecuting that civil action and not for  
19 any other purpose, or to the person listed in the registry as the  
20 owner or person who is listed as being loaned the particular firearm.

21 (4) If any person is listed in the registry as the owner of a firearm  
22 through a Dealers' Record of Sale prior to 1979, and the person  
23 listed in the registry requests by letter that the Attorney General  
24 store and keep the record electronically, as well as in the record's  
25 existing photographic, photostatic, or nonerasable optically stored  
26 form, the Attorney General shall do so within three working days  
27 of receipt of the request. The Attorney General shall, in writing,  
28 and as soon as practicable, notify the person requesting electronic  
29 storage of the record that the request has been honored as required  
30 by this paragraph.

31 (c) (1) If the conditions specified in paragraph (2) are met, any  
32 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
33 (b) of Section 11105 may disseminate the name of the subject of  
34 the record, the number of the firearms listed in the record, and the  
35 description of any firearm, including the make, model, and caliber,  
36 from the record relating to any firearm's sale, transfer, registration,  
37 or license record, or any information reported to the Department  
38 of Justice pursuant to any of the following:

39 (A) Section 26225, 27875, or 27920.



1 (B) Article 1 (commencing with Section 26700) and Article 2  
2 (commencing with Section 26800) of Chapter 2 of Division 6 of  
3 Title 4 of Part 6.

4 (C) Article 1 (commencing with Section 27500) of Chapter 4  
5 of Division 6 of Title 4 of Part 6.

6 (D) Chapter 5 (commencing with Section 28050) of Division  
7 6 of Title 4 of Part-6 6.

8 (E) Article 2 (commencing with Section 28150) of Chapter 6  
9 of Division 6 of Title 4 of Part 6.

10 (F) Article 5 (commencing with Section 30900) of Chapter 2  
11 of Division 10 of Title 4 of Part 6.

12 (G) Chapter 2 (commencing with Section 33850) of Division  
13 11 of Title 4 of Part 6.

14 (H) Any provision listed in subdivision (a) of Section 16585.

15 (2) Information may be disseminated pursuant to paragraph (1)  
16 only if all of the following conditions are satisfied:

17 (A) The subject of the record has been arraigned for a crime in  
18 which the victim is a person described in subdivisions (a) to (f),  
19 inclusive, of Section 6211 of the Family Code and is being  
20 prosecuted or is serving a sentence for the crime, or the subject of  
21 the record is the subject of an emergency protective order, a  
22 temporary restraining order, or an order after hearing, which is in  
23 effect and has been issued by a family court under the Domestic  
24 Violence Protection Act set forth in Division 10 (commencing  
25 with Section 6200) of the Family Code.

26 (B) The information is disseminated only to the victim of the  
27 crime or to the person who has obtained the emergency protective  
28 order, the temporary restraining order, or the order after hearing  
29 issued by the family court.

30 (C) Whenever a law enforcement officer disseminates the  
31 information authorized by this subdivision, that officer or another  
32 officer assigned to the case shall immediately provide the victim  
33 of the crime with a “Victims of Domestic Violence” card, as  
34 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
35 of Section 13701.

36 (3) The victim or person to whom information is disseminated  
37 pursuant to this subdivision may disclose it as he or she deems  
38 necessary to protect himself or herself or another person from  
39 bodily harm by the person who is the subject of the record.

1 SEC. 1.5. Section 11106 of the Penal Code, as amended by  
2 Chapter 103 of the Statutes of 2014, is amended to read:

3 11106. (a) (1) In order to assist in the investigation of crime,  
4 the prosecution of civil actions by city attorneys pursuant to  
5 paragraph (3) of subdivision (b), the arrest and prosecution of  
6 criminals, and the recovery of lost, stolen, or found property, the  
7 Attorney General shall keep and properly file a complete record  
8 of all of the following:

9 (A) All copies of fingerprints.

10 (B) Copies of licenses to carry firearms issued pursuant to  
11 Section 26150, 26155, 26170, or 26215.

12 (C) Information reported to the Department of Justice pursuant  
13 to Section 26225, 29180, or 29830.

14 (D) Dealers' records of sales of firearms.

15 (E) Reports provided pursuant to Article 1 (commencing with  
16 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or  
17 pursuant to any provision listed in subdivision (a) of Section 16585.

18 (F) Forms provided pursuant to Section 12084, as that section  
19 read prior to being repealed on January 1, 2006.

20 (G) Reports provided pursuant to Article 1 (commencing with  
21 Section 26700) and Article 2 (commencing with Section 26800)  
22 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'  
23 records of sales of firearms.

24 (H) Information provided pursuant to Section 28255.

25 (I) Reports of stolen, lost, found, pledged, or pawned property  
26 in any city or county of this state.

27 (J) Ammunition vendor license information pursuant to Article  
28 5 (commencing with Section 30380) of Chapter 1 of Division 10  
29 of Title 4 of Part 6.

30 (K) Information required by Section 30352.

31 (2) The Attorney General shall, upon proper application therefor,  
32 furnish the information to the officers referred to in Section 11105.

33 (b) (1) The Attorney General shall permanently keep and  
34 properly file and maintain all information reported to the  
35 Department of Justice pursuant to the following provisions as to  
36 firearms and maintain a registry thereof:

37 (A) Article 1 (commencing with Section 26700) and Article 2  
38 (commencing with Section 26800) of Chapter 2 of Division 6 of  
39 Title 4 of Part 6.

1 (B) Article 1 (commencing with Section 27500) of Chapter 4  
2 of Division 6 of Title 4 of Part 6.

3 (C) Chapter 5 (commencing with Section 28050) of Division 6  
4 of Title 4 of Part 6.

5 (D) Any provision listed in subdivision (a) of Section 16585.

6 (E) Former Section 12084.

7 (F) Section 28255.

8 (G) Section 29180.

9 (H) Any other law.

10 (2) The registry shall consist of all of the following:

11 (A) The name, address, identification of, place of birth (state  
12 or country), complete telephone number, occupation, sex,  
13 description, and all legal names and aliases ever used by the owner  
14 or person being loaned the particular firearm as listed on the  
15 information provided to the department on the Dealers' Record of  
16 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
17 in former Section 12084, or reports made to the department  
18 pursuant to any provision listed in subdivision (a) of Section 16585,  
19 Section 28255 or 29180, or any other law.

20 (B) The name and address of, and other information about, any  
21 person (whether a dealer or a private party) from whom the owner  
22 acquired or the person being loaned the particular firearm and  
23 when the firearm was acquired or loaned as listed on the  
24 information provided to the department on the Dealers' Record of  
25 Sale, the LEFT, or reports made to the department pursuant to any  
26 provision listed in subdivision (a) of Section 16585 or any other  
27 law.

28 (C) Any waiting period exemption applicable to the transaction  
29 which resulted in the owner of or the person being loaned the  
30 particular firearm acquiring or being loaned that firearm.

31 (D) The manufacturer's name if stamped on the firearm, model  
32 name or number if stamped on the firearm, and, if applicable, the  
33 serial number, other number (if more than one serial number is  
34 stamped on the firearm), caliber, type of firearm, if the firearm is  
35 new or used, barrel length, and color of the firearm, or, if the  
36 firearm is not a handgun and does not have a serial number or any  
37 identification number or mark assigned to it, that shall be noted.

38 (3) Information in the registry referred to in this subdivision  
39 shall, upon proper application therefor, be furnished to the officers  
40 referred to in Section 11105, to a city attorney prosecuting a civil

1 action, solely for use in prosecuting that civil action and not for  
2 any other purpose, or to the person listed in the registry as the  
3 owner or person who is listed as being loaned the particular firearm.

4 (4) If any person is listed in the registry as the owner of a firearm  
5 through a Dealers' Record of Sale prior to 1979, and the person  
6 listed in the registry requests by letter that the Attorney General  
7 store and keep the record electronically, as well as in the record's  
8 existing photographic, photostatic, or nonerasable optically stored  
9 form, the Attorney General shall do so within three working days  
10 of receipt of the request. The Attorney General shall, in writing,  
11 and as soon as practicable, notify the person requesting electronic  
12 storage of the record that the request has been honored as required  
13 by this paragraph.

14 (c) (1) If the conditions specified in paragraph (2) are met, any  
15 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
16 (b) of Section 11105 may disseminate the name of the subject of  
17 the record, the number of the firearms listed in the record, and the  
18 description of any firearm, including the make, model, and caliber,  
19 from the record relating to any firearm's sale, transfer, registration,  
20 or license record, or any information reported to the Department  
21 of Justice pursuant to any of the following:

22 (A) Section 26225.

23 (B) Article 1 (commencing with Section 26700) and Article 2  
24 (commencing with Section 26800) of Chapter 2 of Division 6 of  
25 Title 4 of Part 6.

26 (C) Article 1 (commencing with Section 27500) of Chapter 4  
27 of Division 6 of Title 4 of Part 6.

28 (D) Chapter 5 (commencing with Section 28050) of Division  
29 6 of Title 4 of Part 6.

30 (E) Article 2 (commencing with Section 28150) of Chapter 6  
31 of Division 6 of Title 4 of Part 6.

32 (F) Article 5 (commencing with Section 30900) of Chapter 2  
33 of Division 10 of Title 4 of Part 6.

34 (G) Chapter 2 (commencing with Section 33850) of Division  
35 11 of Title 4 of Part 6.

36 (H) Any provision listed in subdivision (a) of Section 16585.

37 (2) Information may be disseminated pursuant to paragraph (1)  
38 only if all of the following conditions are satisfied:

39 (A) The subject of the record has been arraigned for a crime in  
40 which the victim is a person described in subdivisions (a) to (f),

1 inclusive, of Section 6211 of the Family Code and is being  
2 prosecuted or is serving a sentence for the crime, or the subject of  
3 the record is the subject of an emergency protective order, a  
4 temporary restraining order, or an order after hearing, which is in  
5 effect and has been issued by a family court under the Domestic  
6 Violence Protection Act set forth in Division 10 (commencing  
7 with Section 6200) of the Family Code.

8 (B) The information is disseminated only to the victim of the  
9 crime or to the person who has obtained the emergency protective  
10 order, the temporary restraining order, or the order after hearing  
11 issued by the family court.

12 (C) Whenever a law enforcement officer disseminates the  
13 information authorized by this subdivision, that officer or another  
14 officer assigned to the case shall immediately provide the victim  
15 of the crime with a “Victims of Domestic Violence” card, as  
16 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
17 of Section 13701.

18 (3) The victim or person to whom information is disseminated  
19 pursuant to this subdivision may disclose it as he or she deems  
20 necessary to protect himself or herself or another person from  
21 bodily harm by the person who is the subject of the record.

22 (d) (1) If the conditions specified in paragraph (2) are met, any  
23 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
24 (b) of Section 11105 may disseminate the name of a person and  
25 the fact of any ammunition purchases by that person, based on  
26 information supplied to the Department of Justice pursuant to  
27 Section 30352.

28 (2) Information may be disseminated pursuant to paragraph (1)  
29 only if all of the following conditions are satisfied:

30 (A) The subject of the record has been arraigned for a crime in  
31 which the victim is a person described in subdivisions (a) to (f),  
32 inclusive, of Section 6211 of the Family Code and is being  
33 prosecuted or is serving a sentence for the crime, or the subject of  
34 the record is the subject of an emergency protective order, a  
35 temporary restraining order, or an order after hearing, which is in  
36 effect and has been issued by a family court under the Domestic  
37 Violence Protection Act set forth in Division 10 (commencing  
38 with Section 6200) of the Family Code.

39 (B) The information is disseminated only to the victim of the  
40 crime or to the person who has obtained the emergency protective

1 order, the temporary restraining order, or the order after hearing  
2 issued by the family court.

3 (C) Whenever a law enforcement officer disseminates the  
4 information authorized by this subdivision, that officer or another  
5 officer assigned to the case shall immediately provide the victim  
6 of the crime with a “Victims of Domestic Violence” card, as  
7 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
8 of Section 13701.

9 (3) The victim or person to whom information is disseminated  
10 pursuant to this subdivision may disclose it as he or she deems  
11 necessary to protect himself or herself or another person from  
12 bodily harm by the person who is the subject of the record.

13 *SEC. 1.7. Section 11106 of the Penal Code, as amended by*  
14 *Chapter 103 of the Statutes of 2014, is amended to read:*

15 11106. (a) (1) In order to assist in the investigation of crime,  
16 the prosecution of civil actions by city attorneys pursuant to  
17 paragraph (3) of subdivision (b), the arrest and prosecution of  
18 criminals, and the recovery of lost, stolen, or found property, the  
19 Attorney General shall keep and properly file a complete record  
20 of all of the following:

21 (A) All copies of fingerprints.

22 (B) Copies of licenses to carry firearms issued pursuant to  
23 Section 26150, 26155, 26170, or 26215.

24 (C) Information reported to the Department of Justice pursuant  
25 to Section 26225, 27875, 27920, 29180, or 29830.

26 (D) Dealers’ records of sales of firearms.

27 (E) Reports provided pursuant to Article 1 (commencing with  
28 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or  
29 pursuant to any provision listed in subdivision (a) of Section 16585.

30 (F) Forms provided pursuant to Section 12084, as that section  
31 read prior to being repealed on January 1, 2006.

32 (G) Reports provided pursuant to Article 1 (commencing with  
33 Section 26700) and Article 2 (commencing with Section 26800)  
34 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers’  
35 records of sales of firearms.

36 (H) Information provided pursuant to Section 28255.

37 (I) Reports of stolen, lost, found, pledged, or pawned property  
38 in any city or county of this state.

1     (J) *Ammunition vendor license information pursuant to Article*  
2     5 *(commencing with Section 30380) of Chapter 1 of Division 10*  
3     *of Title 4 of Part 6.*

4     (K) *Information required by Section 30352.*

5     (2) The Attorney General shall, upon proper application therefor,  
6     furnish the information to the officers referred to in Section 11105.

7     (b) (1) The Attorney General shall permanently keep and  
8     properly file and maintain all information reported to the  
9     Department of Justice pursuant to the following provisions as to  
10    firearms and maintain a registry thereof:

11    (A) Article 1 (commencing with Section 26700) and Article 2  
12    (commencing with Section 26800) of Chapter 2 of Division 6 of  
13    Title 4 of Part 6.

14    (B) Article 1 (commencing with Section 27500) of Chapter 4  
15    of Division 6 of Title 4 of Part 6.

16    (C) Chapter 5 (commencing with Section 28050) of Division 6  
17    of Title 4 of Part 6.

18    (D) Any provision listed in subdivision (a) of Section 16585.

19    (E) Former Section 12084.

20    (F) Section 28255.

21    (G) *Section 29180.*

22    ~~(G)~~

23    (H) Any other law.

24    (2) The registry shall consist of all of the following:

25    (A) The name, address, identification of, place of birth (state  
26    or country), complete telephone number, occupation, sex,  
27    description, and all legal names and aliases ever used by the owner  
28    or person being loaned the particular firearm as listed on the  
29    information provided to the department on the Dealers' Record of  
30    Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
31    in former Section 12084, or reports made to the department  
32    pursuant to any provision listed in subdivision (a) of Section 16585,  
33    Section 28255 *or 29180*, or any other law.

34    (B) The name and address of, and other information about, any  
35    person (whether a dealer or a private party) from whom the owner  
36    acquired or the person being loaned the particular firearm and  
37    when the firearm was acquired or loaned as listed on the  
38    information provided to the department on the Dealers' Record of  
39    Sale, the LEFT, or reports made to the department pursuant to any

1 provision listed in subdivision (a) of Section 16585 or any other  
2 law.

3 (C) Any waiting period exemption applicable to the transaction  
4 which resulted in the owner of or the person being loaned the  
5 particular firearm acquiring or being loaned that firearm.

6 (D) The manufacturer's name if stamped on the firearm, model  
7 name or number if stamped on the firearm, and, if applicable, the  
8 serial number, other number (if more than one serial number is  
9 stamped on the firearm), caliber, type of firearm, if the firearm is  
10 new or used, barrel length, and color of the firearm, or, if the  
11 firearm is not a handgun and does not have a serial number or any  
12 identification number or mark assigned to it, that shall be noted.

13 (3) Information in the registry referred to in this subdivision  
14 shall, upon proper application therefor, be furnished to the officers  
15 referred to in Section 11105, to a city attorney prosecuting a civil  
16 action, solely for use in prosecuting that civil action and not for  
17 any other purpose, or to the person listed in the registry as the  
18 owner or person who is listed as being loaned the particular firearm.

19 (4) If any person is listed in the registry as the owner of a firearm  
20 through a Dealers' Record of Sale prior to 1979, and the person  
21 listed in the registry requests by letter that the Attorney General  
22 store and keep the record electronically, as well as in the record's  
23 existing photographic, photostatic, or nonerasable optically stored  
24 form, the Attorney General shall do so within three working days  
25 of receipt of the request. The Attorney General shall, in writing,  
26 and as soon as practicable, notify the person requesting electronic  
27 storage of the record that the request has been honored as required  
28 by this paragraph.

29 (c) (1) If the conditions specified in paragraph (2) are met, any  
30 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
31 (b) of Section 11105 may disseminate the name of the subject of  
32 the record, the number of the firearms listed in the record, and the  
33 description of any firearm, including the make, model, and caliber,  
34 from the record relating to any firearm's sale, transfer, registration,  
35 or license record, or any information reported to the Department  
36 of Justice pursuant to any of the following:

37 (A) Section 26225, 27875, or 27920.

38 (B) Article 1 (commencing with Section 26700) and Article 2  
39 (commencing with Section 26800) of Chapter 2 of Division 6 of  
40 Title 4 of Part 6.



1 (C) Article 1 (commencing with Section 27500) of Chapter 4  
2 of Division 6 of Title 4 of Part 6.

3 (D) Chapter 5 (commencing with Section 28050) of Division  
4 6 of Title 4 of Part 6.

5 (E) Article 2 (commencing with Section 28150) of Chapter 6  
6 of Division 6 of Title 4 of Part 6.

7 (F) Article 5 (commencing with Section 30900) of Chapter 2  
8 of Division 10 of Title 4 of Part 6.

9 (G) Chapter 2 (commencing with Section 33850) of Division  
10 11 of Title 4 of Part 6.

11 (H) Any provision listed in subdivision (a) of Section 16585.

12 (2) Information may be disseminated pursuant to paragraph (1)  
13 only if all of the following conditions are satisfied:

14 (A) The subject of the record has been arraigned for a crime in  
15 which the victim is a person described in subdivisions (a) to (f),  
16 inclusive, of Section 6211 of the Family Code and is being  
17 prosecuted or is serving a sentence for the crime, or the subject of  
18 the record is the subject of an emergency protective order, a  
19 temporary restraining order, or an order after hearing, which is in  
20 effect and has been issued by a family court under the Domestic  
21 Violence Protection Act set forth in Division 10 (commencing  
22 with Section 6200) of the Family Code.

23 (B) The information is disseminated only to the victim of the  
24 crime or to the person who has obtained the emergency protective  
25 order, the temporary restraining order, or the order after hearing  
26 issued by the family court.

27 (C) Whenever a law enforcement officer disseminates the  
28 information authorized by this subdivision, that officer or another  
29 officer assigned to the case shall immediately provide the victim  
30 of the crime with a “Victims of Domestic Violence” card, as  
31 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
32 of Section 13701.

33 (3) The victim or person to whom information is disseminated  
34 pursuant to this subdivision may disclose it as he or she deems  
35 necessary to protect himself or herself or another person from  
36 bodily harm by the person who is the subject of the record.

37 *(d) (1) If the conditions specified in paragraph (2) are met, any*  
38 *officer referred to in paragraphs (1) to (6), inclusive, of subdivision*  
39 *(b) of Section 11105 may disseminate the name of a person and*  
40 *the fact of any ammunition purchases by that person, based on*

1 *information supplied to the Department of Justice pursuant to*  
2 *Section 30352.*

3 *(2) Information may be disseminated pursuant to paragraph*  
4 *(1) only if all of the following conditions are satisfied:*

5 *(A) The subject of the record has been arraigned for a crime in*  
6 *which the victim is a person described in subdivisions (a) to (f),*  
7 *inclusive, of Section 6211 of the Family Code and is being*  
8 *prosecuted or is serving a sentence for the crime, or the subject*  
9 *of the record is the subject of an emergency protective order, a*  
10 *temporary restraining order, or an order after hearing, which is*  
11 *in effect and has been issued by a family court under the Domestic*  
12 *Violence Protection Act set forth in Division 10 (commencing with*  
13 *Section 6200) of the Family Code.*

14 *(B) The information is disseminated only to the victim of the*  
15 *crime or to the person who has obtained the emergency protective*  
16 *order, the temporary restraining order, or the order after hearing*  
17 *issued by the family court.*

18 *(C) Whenever a law enforcement officer disseminates the*  
19 *information authorized by this subdivision, that officer or another*  
20 *officer assigned to the case shall immediately provide the victim*  
21 *of the crime with a “Victims of Domestic Violence” card, as*  
22 *specified in subparagraph (H) of paragraph (9) of subdivision (c)*  
23 *of Section 13701.*

24 *(3) The victim or person to whom information is disseminated*  
25 *pursuant to this subdivision may disclose it as he or she deems*  
26 *necessary to protect himself or herself or another person from*  
27 *bodily harm by the person who is the subject of the record.*

28 SEC. 2. Section 16520 of the Penal Code, as amended by  
29 Section 2 of Chapter 737 of the Statutes of 2013, is amended to  
30 read:

31 16520. (a) As used in this part, “firearm” means a device,  
32 designed to be used as a weapon, from which is expelled through  
33 a barrel, a projectile by the force of an explosion or other form of  
34 combustion.

35 (b) As used in the following provisions, “firearm” includes the  
36 frame or receiver of the weapon:

37 (1) Section 16550.

38 (2) Section 16730.

39 (3) Section 16960.

40 (4) Section 16990.

- 1 (5) Section 17070.
- 2 (6) Section 17310.
- 3 (7) Sections 26500 to 26588, inclusive.
- 4 (8) Sections 26600 to 27140, inclusive.
- 5 (9) Sections 27400 to 28000, inclusive.
- 6 (10) Section 28100.
- 7 (11) Sections 28400 to 28415, inclusive.
- 8 (12) Sections 29010 to 29150, inclusive.
- 9 (13) Section 29180.
- 10 (14) Sections 29610 to 29750, inclusive.
- 11 (15) Sections 29800 to 29905, inclusive.
- 12 (16) Sections 30150 to 30165, inclusive.
- 13 (17) Section 31615.
- 14 (18) Sections 31705 to 31830, inclusive.
- 15 (19) Sections 34355 to 34370, inclusive.
- 16 (20) Sections 8100, 8101, and 8103 of the Welfare and
- 17 Institutions Code.
- 18 (c) As used in the following provisions, “firearm” also includes
- 19 a rocket, rocket propelled projectile launcher, or similar device
- 20 containing an explosive or incendiary material, whether or not the
- 21 device is designed for emergency or distress signaling purposes:
- 22 (1) Section 16750.
- 23 (2) Subdivision (b) of Section 16840.
- 24 (3) Section 25400.
- 25 (4) Sections 25850 to 26025, inclusive.
- 26 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 27 (6) Sections 26035 to 26055, inclusive.
- 28 (d) As used in the following provisions, “firearm” does not
- 29 include an unloaded antique firearm:
- 30 (1) Subdivisions (a) and (c) of Section 16730.
- 31 (2) Section 16550.
- 32 (3) Section 16960.
- 33 (4) Section 17310.
- 34 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 35 of Title 4.
- 36 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 37 of Title 4.
- 38 (7) Sections 26500 to 26588, inclusive.
- 39 (8) Sections 26700 to 26915, inclusive.
- 40 (9) Section 27510.

1 (10) Section 27530.

2 (11) Section 27540.

3 (12) Section 27545.

4 (13) Sections 27555 to 27570, inclusive.

5 (14) Sections 29010 to 29150, inclusive.

6 (15) Section 25135.

7 (16) Section 29180.

8 (e) As used in Sections 34005 and 34010, “firearm” does not  
9 include a destructive device.

10 (f) As used in Sections 17280 and 24680, “firearm” has the  
11 same meaning as in Section 922 of Title 18 of the United States  
12 Code.

13 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
14 includes the unfinished frame or receiver of a weapon that can be  
15 readily converted to the functional condition of a finished frame  
16 or receiver.

17 *SEC. 2.5. Section 16520 of the Penal Code is amended to read:*

18 16520. (a) As used in this part, “firearm” means a device,  
19 designed to be used as a weapon, from which is expelled through  
20 a barrel, a projectile by the force of an explosion or other form of  
21 combustion.

22 (b) As used in the following provisions, “firearm” includes the  
23 frame or receiver of the weapon:

24 (1) Section 16550.

25 (2) Section 16730.

26 (3) Section 16960.

27 (4) Section 16990.

28 (5) Section 17070.

29 (6) Section 17310.

30 (7) Sections 26500 to 26588, inclusive.

31 (8) Sections 26600 to 27140, inclusive.

32 (9) Sections 27400 to 28000, inclusive.

33 (10) Section 28100.

34 (11) Sections 28400 to 28415, inclusive.

35 (12) Sections 29010 to 29150, inclusive.

36 (13) *Section 29180.*

37 ~~(13)~~

38 (14) Sections 29610 to 29750, inclusive.

39 ~~(14)~~

40 (15) Sections 29800 to 29905, inclusive.

- 1 ~~(15)~~
- 2 ~~(16)~~ Sections 30150 to 30165, inclusive.
- 3 ~~(16)~~
- 4 ~~(17)~~ Section 31615.
- 5 ~~(17)~~
- 6 ~~(18)~~ Sections 31705 to 31830, inclusive.
- 7 ~~(18)~~
- 8 ~~(19)~~ Sections 34355 to 34370, inclusive.
- 9 ~~(19)~~
- 10 ~~(20)~~ Sections 8100, 8101, and 8103 of the Welfare and
- 11 Institutions Code.
- 12 (c) As used in the following provisions, “firearm” also includes
- 13 a rocket, rocket propelled projectile launcher, or similar device
- 14 containing an explosive or incendiary material, whether or not the
- 15 device is designed for emergency or distress signaling purposes:
- 16 (1) Section 16750.
- 17 (2) Subdivision (b) of Section 16840.
- 18 (3) Section 25400.
- 19 (4) Sections 25850 to 26025, inclusive.
- 20 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 21 (6) Sections 26035 to 26055, inclusive.
- 22 (d) As used in the following provisions, “firearm” does not
- 23 include an unloaded antique firearm:
- 24 (1) Subdivisions (a) and (c) of Section 16730.
- 25 (2) Section 16550.
- 26 (3) Section 16960.
- 27 (4) Section 17310.
- 28 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 29 of Title 4.
- 30 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 31 of Title 4.
- 32 (7) Sections 26500 to 26588, inclusive.
- 33 (8) Sections 26700 to 26915, inclusive.
- 34 (9) Section 27510.
- 35 (10) Section 27530.
- 36 (11) Section 27540.
- 37 (12) Section 27545.
- 38 (13) Sections 27555 to ~~27570~~ 27585, inclusive.
- 39 (14) Sections 29010 to 29150, inclusive.
- 40 (15) Section 25135.

1 (16) Section 29180.

2 (e) As used in Sections 34005 and 34010, “firearm” does not  
3 include a destructive device.

4 (f) As used in Sections 17280 and 24680, “firearm” has the  
5 same meaning as in Section 922 of Title 18 of the United States  
6 Code.

7 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
8 includes the unfinished frame or receiver of a weapon that can be  
9 readily converted to the functional condition of a finished frame  
10 or receiver.

11 SEC. 3. Section 23910 of the Penal Code is amended to read:

12 23910. ~~(a)~~—The Department of Justice upon request may assign  
13 a distinguishing number or mark of identification to any firearm  
14 whenever the firearm lacks a manufacturer’s number or other mark  
15 of identification, or whenever the manufacturer’s number or other  
16 mark of identification or a distinguishing number or mark assigned  
17 by the department has been destroyed or obliterated.

18 ~~(b)~~—~~The obliterated, the~~ Department of Justice, upon request,  
19 shall assign a distinguishing number or mark of identification to  
20 any firearm in accordance with Section 29182.

21 SEC. 4. Chapter 3 (commencing with Section 29180) is added  
22 to Division 7 of Title 4 of Part 6 of the Penal Code, to read:

23  
24 CHAPTER 3. ASSEMBLY OF FIREARMS  
25

26 29180. (a) For purposes of this chapter, “manufacturing” or  
27 “assembling” a firearm means to fabricate or construct a firearm,  
28 or to fit together the component parts of a firearm to construct a  
29 firearm.

30 (b) Commencing July 1, 2016, prior to manufacturing or  
31 assembling a firearm, a person manufacturing or assembling the  
32 firearm shall do all of the following:

33 (1) Apply to the Department of Justice for a unique serial  
34 number or other mark of identification pursuant to Section 29182.

35 (2) (A) Within ten days of manufacturing or assembling a  
36 firearm in accordance with paragraph (1), the unique serial number  
37 or other mark of identification provided by the department shall  
38 be engraved or permanently affixed to the firearm in a manner that  
39 meets or exceeds the requirements imposed on licensed importers  
40 and licensed manufacturers of firearms pursuant to subsection (i)

1 of Section 923 of Title 18 of the United States Code and regulations  
2 issued pursuant thereto.

3 (B) If the firearm is manufactured or assembled from polymer  
4 plastic, 3.7 ounces of material type 17-4 PH stainless steel shall  
5 be embedded within the plastic upon fabrication or construction  
6 with the unique serial number engraved or otherwise permanently  
7 affixed in a manner that meets or exceeds the requirements imposed  
8 on licensed importers and licensed manufacturers of firearms  
9 pursuant to subsection (i) of Section 923 of Title 18 of the United  
10 States Code and regulations issued pursuant thereto.

11 (3) After the serial number provided by the department is  
12 engraved or otherwise permanently affixed to the firearm, the  
13 person shall notify the department of that fact in a manner and  
14 within a time period specified by the department, and with  
15 sufficient information to identify the owner of the firearm, the  
16 unique serial number or mark of identification provided by the  
17 department, and the firearm in a manner prescribed by the  
18 department.

19 (c) By January 1, 2017, any person who, as of July 1, 2016,  
20 owns a firearm that does not bear a serial number assigned to it  
21 pursuant to either Section 23910 or pursuant to Chapter 44  
22 (commencing with Section 921) of Title 18 of the United States  
23 Code and the regulations issued pursuant thereto, shall do all of  
24 the following:

25 (1) Apply to the Department of Justice for a unique serial  
26 number or other mark of identification pursuant to Section 29182.

27 (2) Within ten days of receiving a unique serial number or other  
28 mark of identification from the department, the unique serial  
29 number or other mark of identification provided by the department  
30 shall be engraved or permanently affixed to the firearm in  
31 accordance with regulations prescribed by the department pursuant  
32 to Section 29182 and in a manner that meets or exceeds the  
33 requirements imposed on licensed importers and licensed  
34 manufacturers of firearms pursuant to subsection (i) of Section  
35 923 of Title 18 of the United States Code and regulations issued  
36 pursuant thereto.

37 (3) After the serial number provided by the department is  
38 engraved or otherwise permanently affixed to the firearm, the  
39 person shall notify the department of that fact in a manner and  
40 within a time period specified by the department, and with

1 sufficient information to identify the owner of the firearm, the  
2 unique serial number or mark of identification provided by the  
3 department, and the firearm in a manner prescribed by the  
4 department.

5 (d) (1) The sale or transfer of ownership of a firearm  
6 manufactured or assembled pursuant to this section is prohibited.

7 (2) Paragraph (1) shall not apply to the transfer, surrender, or  
8 sale of a firearm to a law enforcement agency.

9 (3) Any firearms surrendered, transferred, or sold to a local law  
10 enforcement agency pursuant to paragraph (2) shall be destroyed  
11 as provided in Section 18005.

12 (4) Sections 26500 and 27545, and subdivision (a) of Section  
13 31615, shall not apply to the transfer, sale, or surrender of firearms  
14 to a law enforcement agency pursuant to paragraph (2).

15 (e) A person, corporation, or firm shall not knowingly allow,  
16 facilitate, aid, or abet the manufacture or assembling of a firearm  
17 pursuant to this section by a person who is within any of the classes  
18 identified by Chapter 2 (commencing with Section 29800) or  
19 Chapter 3 (commencing with Section 29900) of Division 9 of this  
20 code, or Section 8100 or 8103 of the Welfare and Institutions Code.

21 (f) If the firearm is a handgun, a violation of this section is  
22 punishable by imprisonment in a county jail not to exceed one  
23 year, or by a fine not to exceed one thousand dollars (\$1,000), or  
24 by both that fine and imprisonment. For all other firearms, a  
25 violation of this section is punishable by imprisonment in a county  
26 jail not to exceed six months, or by a fine not to exceed one  
27 thousand dollars (\$1,000), or by both that fine and imprisonment.  
28 Each firearm found to be in violation of this section constitutes a  
29 distinct and separate offense. This section does not preclude  
30 prosecution under any other law providing for a greater penalty.

31 29181. Section 29180 does not apply to or affect any of the  
32 following:

33 (a) A firearm that has a serial number assigned to it pursuant to  
34 either Section 23910 or pursuant to Chapter 44 (commencing with  
35 Section 921) of Title 18 of the United States Code and the  
36 regulations issued pursuant thereto.

37 (b) A firearm made or assembled prior to December 16, 1968,  
38 that is not a handgun.

39 (c) A firearm which was entered into the centralized registry  
40 set forth in Section 11106 prior to ~~January 1, 2015~~ *July 1, 2016*,



1 as being owned by a specific individual or entity if that firearm  
2 has assigned to it a distinguishing number or mark of identification  
3 to that firearm by virtue of the department accepting entry of that  
4 firearm into the centralized registry.

5 (d) A firearm that has a serial number assigned to it pursuant  
6 to Chapter 53 of Title 26 of the United States Code and the  
7 regulations issued pursuant thereto.

8 (e) *An antique firearm as defined in Section 479.11 of Title 27*  
9 *of the Code of Federal Regulations.*

10 29182. (a) (1) The Department of Justice shall accept  
11 applications from, and shall grant applications in the form of serial  
12 numbers pursuant to Section 23910 to, persons who wish to  
13 manufacture or assemble firearms pursuant to subdivision (b) of  
14 Section 29180.

15 (2) The Department of Justice shall accept applications from,  
16 and shall grant applications in the form of serial numbers pursuant  
17 to Section 23910 to, persons who wish to own a firearm described  
18 in subdivision (c) of Section 29180.

19 (b) An application made pursuant to subdivision (a) shall only  
20 be granted by the department if the applicant does all of the  
21 following:

22 (1) ~~Completes—For each transaction, complete a personal~~  
23 ~~firearms eligibility check pursuant to Section 30105 check,~~  
24 ~~demonstrating that the applicant is not prohibited by state or federal~~  
25 ~~law from possessing, receiving, owning, or purchasing a firearm.~~

26 (2) Presents proof of age and identity as specified in Section  
27 16400. The applicant shall be 18 years of age or older to obtain a  
28 unique serial number or mark of identification for a firearm that  
29 is not a handgun, and shall be 21 years of age or older to obtain a  
30 unique serial number or mark of identification for a handgun.

31 (3) Provide a description of the firearm that he or she owns or  
32 intends to manufacture or assemble, in a manner prescribed by the  
33 department.

34 (4) Have a valid firearm safety certificate or handgun safety  
35 certificate.

36 (c) The department shall inform applicants who are denied an  
37 application of the reasons for the denial in writing.

38 (d) All applications shall be granted or denied within 15 calendar  
39 days of the receipt of the application by the department.

(e) This chapter does not authorize a person to manufacture, assemble, or possess a weapon prohibited under Section 16590, an assault weapon as defined in Section 30510 or 30515, a machinegun as defined in Section 16880, a .50 BMG rifle as defined in Section 30530, or a destructive device as defined in Section 16460.

(f) The department shall adopt regulations to administer this chapter.

29183. The Department of Justice may charge an applicant a fee for each distinguishing number or mark it issues in an amount sufficient to reimburse it for the actual costs associated with assigning a distinguishing number or mark to a firearm pursuant to Sections 29180 and 29182 *and for conducting a personal firearms eligibility check pursuant to paragraph (1) of subdivision (b) of Section 29182*. All money received pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, to be available upon appropriation by the legislature.

29184. The Department of Justice shall maintain and make available upon request information concerning both of the following:

(a) The number of serial numbers issued pursuant to Section 29182.

(b) The number of arrests for violations of Section 29180.

SEC. 5. Section 30105 of the Penal Code is amended to read:

30105. (a) An individual may request that the Department of Justice perform a firearms eligibility check for that individual. The applicant requesting the eligibility check shall provide the personal information required by Section 28160, as applicable, but not any information regarding any firearm, to the department, in an application specified by the department.

(b) The department shall charge a fee of twenty dollars (\$20) for performing the eligibility check authorized by this section, but not to exceed the actual processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged may increase at a rate not to exceed the legislatively approved cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act.

1 (c) An applicant for the eligibility check pursuant to subdivision  
2 (a) shall complete the application, have it notarized by any licensed  
3 California Notary Public, and submit it by mail to the department.

4 (d) Upon receipt of a notarized application and fee, the  
5 department shall do all of the following:

6 (1) Examine its records, and the records it is authorized to  
7 request from the State Department of State Hospitals pursuant to  
8 Section 8104 of the Welfare and Institutions Code, to determine  
9 if the purchaser is prohibited by state or federal law from  
10 possessing, receiving, owning, or purchasing a firearm.

11 (2) Notify the applicant by mail of its determination of whether  
12 the applicant is prohibited by state or federal law from possessing,  
13 receiving, owning, or purchasing a firearm. The department's  
14 notification shall state either "eligible to possess firearms as of the  
15 date the check was completed" or "ineligible to possess firearms  
16 as of the date the check was completed."

17 (e) If the department determines that the information submitted  
18 to it in the application contains any blank spaces, or inaccurate,  
19 illegible, or incomplete information, preventing identification of  
20 the applicant, or if the required fee is not submitted, the department  
21 shall not be required to perform the firearms eligibility check.

22 (f) The department shall make applications to conduct a firearms  
23 eligibility check as described in this section available to licensed  
24 firearms dealers and on the department's Internet Web site.

25 (g) The department shall be immune from any liability arising  
26 out of the performance of the firearms eligibility check, or any  
27 reliance upon the firearms eligibility check.

28 (h) Except as provided in Sections 29180 and 29182, a person  
29 or agency shall not require or request an individual to obtain a  
30 firearms eligibility check or notification of a firearms eligibility  
31 check pursuant to this section. A violation of this subdivision is a  
32 misdemeanor.

33 (i) The department shall include on the application specified in  
34 subdivision (a) and the notification of eligibility specified in  
35 subdivision (d) the following statements:  
36

37 "No person or agency may require or request an individual to  
38 obtain a firearms eligibility check or notification of firearms  
39 eligibility check pursuant to Section 30105 of the Penal Code. A  
40 violation of these provisions is a misdemeanor."

1  
2 “If the applicant for a firearms eligibility check purchases,  
3 transfers, or receives a firearm through a licensed dealer as required  
4 by law, a waiting period and background check are both required.”  
5

6 *SEC. 6. (a) Section 1.3 of this bill incorporates amendments*  
7 *to Section 11106 of the Penal Code proposed by both this bill and*  
8 *Assembly Bill 1609. It shall only become operative if (1) both bills*  
9 *are enacted and become effective on or before January 1, 2015,*  
10 *(2) each bill amends Section 11106 of the Penal Code, and (3)*  
11 *Senate Bill 53 is not enacted or as enacted does not amend that*  
12 *section, and (4) this bill is enacted after Assembly Bill 1609, in*  
13 *which case Sections 1, 1.5, and 1.7 of this bill shall not become*  
14 *operative.*

15 *(b) Section 1.5 of this bill incorporates amendments to Section*  
16 *11106 of the Penal Code proposed by both this bill and Senate*  
17 *Bill 53. It shall only become operative if (1) both bills are enacted*  
18 *and become effective on or before January 1, 2015, (2) each bill*  
19 *amends Section 11106 of the Penal Code, (3) Assembly Bill 1609*  
20 *is not enacted or as enacted does not amend that section, and (4)*  
21 *this bill is enacted after Senate Bill 53 in which case Sections 1,*  
22 *1.3, and 1.7 of this bill shall not become operative.*

23 *(c) Section 1.7 of this bill incorporates amendments to Section*  
24 *11106 of the Penal Code proposed by this bill, Assembly Bill 1609,*  
25 *and Senate Bill 53. It shall only become operative if (1) all three*  
26 *bills are enacted and become effective on or before January 1,*  
27 *2015, (2) all three bills amend Section 11106 of the Penal Code,*  
28 *and (3) this bill is enacted after Assembly Bill 1609 and Senate*  
29 *Bill 53, in which case Sections 1, 1.3, and 1.5 of this bill shall not*  
30 *become operative.*

31 *SEC. 7. Section 2.5 of this bill incorporates amendments to*  
32 *Section 16520 of the Penal Code proposed by both this bill and*  
33 *Assembly Bill 1609. It shall only become operative if (1) both bills*  
34 *are enacted and become effective on or before January 1, 2015,*  
35 *(2) each bill amends Section 11106 of the Penal Code, and (3) this*  
36 *bill is enacted after Assembly Bill 1609, in which case Section 2*  
37 *of this bill shall not become operative.*

38 ~~*SEC. 6. Section 1.5 of this bill incorporates amendments to*~~  
39 ~~*Section 11106 of the Penal Code proposed by both this bill and*~~  
40 ~~*Senate Bill 53. It shall only become operative if (1) both bills are*~~

1 ~~enacted and become effective on or before January 1, 2015, (2)~~  
2 ~~each bill amends Section 11106 of the Penal Code, and (3) this~~  
3 ~~bill is enacted after Senate Bill 53, in which case Section 1 of this~~  
4 ~~bill shall not become operative.~~

5 ~~SEC. 7.~~

6 *SEC. 8.* No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.